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9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON, SEATTLE

11 **OMNI INNOVATIONS, LLC, a**
12 **Washington Limited Liability**
13 **company; and JAMES S. GORDON,**
14 **JR., a married individual,**

15 **Plaintiffs,**

16 v.

17 **APOLLO GROUP, INC. an Arizona**
18 **corporation; UNIVERSITY OF**
19 **PHOENIX, INC., an Arizona**
20 **corporation; and JOHN DOES, I-X,**

21 **Defendants,**

NO. CV07-0222

**MOTION FOR LEAVE TO
WITHDRAW AS COUNSEL AND
TO FILE DECLARATIONS UNDER
SEAL**

**NOTE ON MOTION CALENDAR:
September 14, 2007**

22 Plaintiff, by and through undersigned counsel, hereby moves the Court for an order staying this
23 litigation pending Plaintiffs' appeal to the US Circuit Court of Appeals For the Ninth Circuit in
24 *Gordon v Virtumundo, et al.*, CV06-0204.

25 Plaintiffs have filed an appeal to the US Court of Appeals for the Ninth Circuit in

MOTION FOR A STAY -1
GORDON v. APOLLO GROUP/U OF PHOENIX, ET
AL.

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1 *Virtumundo*. Although some of the factual issues in the present case differ from those in
2 *Virtumundo*, the fundamental issue of Plaintiffs' standing is common, and critical to both cases.

3 Additionally, Plaintiff's counsel has filed a motion to withdraw, and a stay would serve to
4 protect Plaintiff's rights pending the *Virtumundo* appeal, and provide Plaintiff adequate time
5 within which to secure substitute counsel.

6 Accordingly, there is good cause to stay this litigation to preserve judicial economy as
7 well as the resources of the parties hereto.

8 **RESPECTFULLY SUBMITTED** this 27th day of August, 2007.

9
10 DOUGLAS E. MCKINLEY, JR.
11 Attorney at Law

i.Justice Law, P.C.

12 /S/ Douglas E. McKinley, Jr.
13 Douglas E. McKinley, Jr., WSBA #20806
Attorney for Plaintiffs

/S/ Robert J. Siegel
Robert J. Siegel, WSBA #17312
Attorney for Plaintiffs

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25 MOTION FOR A STAY -2
GORDON v. APOLLO GROUP/U OF PHOENIX, ET
AL.

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Certificate of Service

I, hereby, certify that on August 27, 2007, I filed the attached pleading with this Court via approved electronic filing, which will serve all counsel for defendants.

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1325 Fourth Ave., Suite 940
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/s/ Robert J. Siegel
Attorneys for Plaintiffs.

MOTION FOR A STAY -3
GORDON v. APOLLO GROUP/U OF PHOENIX, ET
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